

# Arklow Harbour Improvement Bill.

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## ARRANGEMENT OF CLAUSES.

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### Clauses.

Preamble recites 32 Geo. 3. c. 24. (L) and 26 Vict. c. ccix. (Local).

1. Short title.
2. "The Board."
3. Incorporation of Commissioners of Public Works, Ireland.
4. Harbour vested in the Board.
5. Act 26 Vict. c. ccix. repealed.
6. Authority to execute works.
7. Funds provided for expenses of works.
8. 9 & 10 Vict. c. 3. and amending Acts incorporated with this Act.
9. Appointment of harbour master and officers.
10. Power to the Board to levy tolls.
11. Act 6 & 7 Will. 4. c. cxvii. incorporated in part with this Act.
12. Harbours Act, 1847, Railways Act, 1863, incorporated in part with this Act.
13. Lights to be exhibited.
14. Saving rights of the Crown in the foreshore.
15. List of tolls to be published.
16. On completion of the works the Board may transfer same.
17. Application of tolls.
18. Recovery of tolls.
19. Power to the Board to make byelaws.
20. Proof of byelaws.



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## B I L L

## FOR

The Improvement of the Harbour of Arklow, in the County of Wicklow. A.D. 1876.

WHEREAS by an Act of Parliament of Ireland of the thirty-second year of George the Third, chapter twenty-four, intituled  
 “ An Act for the better enabling certain persons to open and work  
 “ mines, and to raise coal, culm, minerals, and fossils in this kingdom, 32 G. 3. c. 24.  
 “ and to open and improve the harbour of Arklow in the county of (1.)  
 “ Wicklow, and to form a canal from the said harbour of Arklow to  
 “ the Meetings Bridge, and to extend the same towards the Kilkenny  
 “ collieries and the Glennalur mines,” the Hibernian Mine Company  
 were incorporated with divers powers for working mines and for  
 opening and improving the harbour of Arklow, and for making and  
 maintaining canals and navigation works, with power to take rates  
 and duties for vessels using their harbours and canals :

And whereas by an Act passed in the twenty-sixth year of the  
 reign of Her Majesty the Queen, being “ An Act for the amalgama-  
 15 “ tion of the Hibernian Mine Company with the Wicklow Copper 36 Vict.  
c. cclx.  
(Local).  
 “ Mine Company (Limited), and for other purposes ;” after reciting  
 amongst other things the said Act, and that the property of the Hiber-  
 nian Company comprised the quays of the harbour of Arklow, with  
 all the wharves and buildings thereon held in fee ; and that the Hiber-  
 20 nian Company had expended more than seventeen thousand pounds  
 on works for the improvement of the said harbour and for making it  
 fit for the reception of vessels and the loading and shipping of goods ;  
 and reciting that on the second day of February one thousand eight  
 hundred and fifty-eight the Wicklow Copper Mine Company was re-  
 25 gistered under the Joint Stock Companies Act, 1856, as a Company  
 with limited liability ; and that the two Companies were desirous  
 and it was expedient that the two Companies and their respective  
 undertakings, property, and effects should be amalgamated, and  
 that, in order to the amalgamation of the two Companies, the memo-  
 30 randum of agreement, of which a copy is given in the Schedule (A.)  
 to said Act annexed, had been entered into by and on behalf of the

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two Companies; and that it was expedient that it should be confirmed and carried into effect, it is enacted that on the first day of September one thousand eight hundred and sixty-three the two Companies should be thereby amalgamated into a new Company, which, by the name "the Wicklow Copper Mine Company," should be one body corporate, with perpetual succession and a common seal and with the powers thereby given; and that the recited Act of the Parliament of Ireland of the thirty-second year of George the Third, chapter twenty-four, relating to the Hibernian Company should on the first day of September one thousand eight hundred and sixty-three be repealed, and that all the estates and property, including the harbour of Arklow, to which the two Companies respectively were seized or possessed, should be vested in the Wicklow Copper Mine Company :

And whereas one of the objects for which the Wicklow Copper Mine Company was incorporated was the maintaining, repairing, and improving of the harbour of Arklow and the channel embankments, piers, quays, wharves, buildings, and other works and conveniences of and connected with the harbour, and the regulating and controlling of the user of the same, and for any of those purposes, and also for the purpose of erecting sluices and other works for the improvement of the said harbour, the Company may at all times use the bridge of Arklow, provided they make good any injury the bridge may sustain by their operations :

And whereas the said harbour of Arklow is an important station and place of refuge for vessels employed in prosecuting the sea fisheries on the east coast of Ireland, but the said harbour has of late years been gradually silting up, and a bar is frequently formed across the entrance thereto, whereby its value and usefulness has been materially injured :

And whereas it is expedient that the said harbour should be deepened, extended, and otherwise improved, and the Wicklow Copper Mine Company, in whom the said harbour is now vested, being unable to undertake the execution of the necessary works for that purpose, are willing to transfer to the Commissioners of Public Works in Ireland the said harbour of Arklow and all their estate and property therein, and rights and easements connected therewith, to be by them extended and improved as herein-after mentioned :

And whereas the cost of the execution of the necessary works of extension and improvement is estimated at twenty-six thousand pounds, and the said Commissioners of Public Works are not, under the provisions of the Act passed in the ninth year of Her present

Majesty, chapter three, and the various Acts amending the same, authorised to advance as a grant for such purpose an amount exceeding seven thousand five hundred pounds, and it is advisable that the said Commissioners should have power and authority to advance as a grant for the purpose of the works aforesaid an amount not exceeding the sum of thirteen thousand pounds: A.D. 1876.

And whereas the objects of this Act cannot be attained without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Arklow Harbour Act, 1876." Short title.

2. The term "the Board" in this Act, or in any proceedings or documents under the same, shall mean "the Commissioners of Public Works in Ireland." "The Board."

3. The Board for the purposes of this Act shall be incorporated under the style of "The Commissioners of Public Works in Ireland," and by that name shall have succession, and shall have a common seal to be by them made, and from time to time altered as they shall think fit, and all courts, judges, justices, and persons judicially acting and other officers shall take judicial notice of such seal, and every order or other act of the board in reference to this Act, or copies of the same, purporting to be sealed with such seal, shall be received in evidence without further proof. Incorporation of Commissioners of Public Works, Ireland.

4. From and after the passing of this Act all the ground or other property forming the said harbour of Arklow, and the piers, quays, and wharves thereof, or in any manner connected therewith, and all rights and easements connected therewith, shall be and the same are hereby transferred to and vested in the Board for the purposes herein-after mentioned. Harbour vested in the Board.

5. The said recited Act of the twenty-sixth and twenty-seventh Victoria, chapter two hundred and nine, called the "Wicklow Copper Mine Company's Act, 1863," is hereby repealed. Act 28 Vict. c. clix. repealed.

6. The Board is hereby authorised to proceed with all necessary works for deepening, extending, and improving the said harbour, and with such other works appertaining thereto, as they may deem fit and proper. Authority to execute works.

7. It shall and may be lawful for the Board, out of the funds from time to time at their disposal, by and with the consent and [190.] Funds provided for expenses of works.

A.D. 1876. approbation of the Commissioners of Her Majesty's Treasury, to make advances by way of grant to an amount not exceeding in the whole the sum of thirteen thousand pounds, being one moiety of the said sum so authorised to be expended, and it shall and may be lawful for the Board, with the like consent and approbation, to 5 advance by way of loan any sum not exceeding the sum of thirteen thousand pounds, being the other moiety of the said sum, or such further sum as may be required for the completion of said works, such loan to be at such rate of interest, and to be secured in such way as may be approved of by the said Commissioners of Her 10 Majesty's Treasury.

9 & 10 Vict.  
c. 3. and  
amending  
Acts incor-  
porated with  
this Act.

8. The said Act passed in the session of Parliament, held in the ninth year of the reign of Her present Majesty, chapter three, intituled "An Act to encourage the sea fisheries of Ireland by 15 " promoting and aiding with grants of public money the construe-  
" tion of piers, harbours, and other works," and the several Acts amending the same, so far as their provisions are not expressly repealed by, inconsistent with, or varied by the provisions hereof, shall be and the same are hereby incorporated with this Act; and the term "Commissioners" therein contained shall be taken to 20 mean the said Board.

Appointment  
of harbour  
master and  
officers.

9. Subject to the approval of the Commissioners of Her Majesty's Treasury, the Board shall from time to time appoint a good and sufficient person and good and sufficient persons to act as harbour master, collector, and other necessary officers within the said harbour, and 25 shall from time to time remove any of such persons and appoint others in their stead, with such salary or allowance respectively as to the Commissioners of Her Majesty's Treasury shall seem fitting and expedient.

Power to the  
Board to levy  
tolls.

10. It shall and may be lawful for the Board, and they are hereby 30 authorised to levy or cause to be levied and paid for the use of the said harbour, such tolls, wharfage, rates, license duties, and charges as the Commissioners of Her Majesty's Treasury shall from time to time approve of; and the same shall be raised, levied, collected, and paid to the officer appointed by the said Board to receive the same. 35

Act 6 & 7  
W. & c. cxviii.  
incorporated  
in part with  
this Act.

11. The provisions contained in sections fourteen, fifteen, and sixteen, and sections twenty-one to twenty-eight both inclusive, of the Act passed in the session of Parliament, held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter 117, intituled "An Act to amend several Acts 40 " relating to the harbour of Kingstown" shall be incorporated with this Act, and be held to apply to said Arklow Harbour as effectually

as if it had been named therein; and the term "Commissioners" in said sections contained shall be taken to mean the said Board.

12. Sections twelve, thirteen, seventy-seven, and seventy-eight of "The Harbours, Docks, and Piers Clauses Act, 1847," and sections thirteen, eighteen, and nineteen of "The Railways Clauses Act, 1863," are incorporated with and form part of this Act, and in construing these sections the Board shall be held to be the "Undertakers" and "the Company" therein respectively mentioned.

Harbours Act, 1847, Railways Act, 1863, incorporated in part with this Act.

13. The Board shall at the outward extremity of the works of Arklow Harbour exhibit and keep burning from sunset to sunrise such light or lights (if any) as the Commissioners of Irish Lights shall from time to time require.

Lights to be exhibited.

14. Nothing contained in this Act shall authorise the Board to take, use, or in any manner interfere with any portion of the shore, or bed, of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in, or enjoyed, or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown in the foreshore.

15. The Board shall cause a list, printed or painted in legible characters, of the several rates and tolls which they shall from time to time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed in some conspicuous place within the limits of the said harbour.

List of tolls to be published.

16. It shall be lawful for the Board, by and with the consent of the Commissioners of Her Majesty's Treasury, by warrant under the seal of the Board, upon completion of the works hereby authorised, to direct that the said harbour of Arklow, with the tolls thereof, shall be deemed and become the property of such person or persons, body or bodies as the Board may name therein, and from and after the date of any such warrant the said harbour of Arklow, together with all rights, members, and appurtenances thereunto belonging, shall be deemed and taken to be the property of such person or persons, body or bodies, to be held, maintained, and preserved by him or them, with all such powers and authorities, and subject to such provisions, conditions, and regulations as may be in said warrant referred to or set forth in relation thereto: Provided that if the said person or

On completion of the works the Board may transfer same.

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persons, body or bodies shall at any time neglect duly to maintain and preserve the said harbour of Arklow and the works done in pursuance of this Act, it shall and may be lawful for the said Board by warrant under the seal of the Board to appoint a receiver over the tolls, rates, and profits arising from said harbour and to expend same in making and effecting such repairs as to the said Board may seem necessary. 5

Application of tolls.

17. The tolls, rates, and charges payable under the provisions of this Act shall be applied by the Board, or the person or persons, body or bodies in whom the said harbour may be vested as aforesaid from time to time in repairing and maintaining the said harbour, and the overplus thereof, if any, shall be applied in such manner as may from time to time be directed by the Commissioners of Her Majesty's Treasury. 10

Recovery of tolls.

18. In case any person liable to pay tolls or rates shall refuse or neglect to pay the same, it shall be lawful for the Board or for the collector of the said tolls and rates, or other officer or agent, or other person to whom such toll or rate ought to have been paid, to seize the vessel, goods, articles, and things in respect of which such tolls or rates ought to have been paid wherever the same may be found, and to detain the same until such tolls or rates, together with the reasonable costs and expenses of such seizure and detention, shall be paid, and if such vessel, goods, articles, and things shall not be redeemed within *twenty-one days* after the seizure thereof, the same shall be appraised and sold, and, after deducting the costs of such seizure, detention, and sale, all such sums as shall be due in respect of such tolls or rates shall be satisfied thereout, and the overplus paid to the owner in like manner as the law directs in cases of distress for rent in arrear. 20 25

Power to the Board to make by-laws.

19. It shall and may be lawful for the Board and they are hereby authorised and empowered from time to time, subject to the approval of the Commissioners of Her Majesty's Treasury, to make such by-laws, rules, orders, and regulations, not being contrary to any law or statute in force in Ireland, as to them shall seem meet and proper, and to fix and specify therein such penalties to be inflicted on any person or persons offending the same as to them shall seem expedient, with power to the justices of the peace to inflict any lesser sum by way of penalty than that named in such by-law, rule, order, or regulation, or to remit such penalty according to the circumstances of every case for better carrying into effect the purposes of this Act, or in any manner relating thereto, and from time to time to alter or repeal all or any of such by-laws, rules, 30 35 40

orders, or regulations, and to make others; and all such byelaws, rules, orders, and regulations shall be reduced into writing and sealed with the corporate seal of the Board, and a copy thereof sealed shall be deposited with the clerk of the peace of the county of  
5 Wicklow, and the same shall be kept with the records of the said county; and a printed or painted copy of such of the said byelaws, rules, orders, or regulations as shall subject any person, not being an officer or servant of the said Board, to any fine or penalty shall be exhibited on boards or otherwise, with the limits of the said  
10 harbour; and such byelaws, rules, and orders shall be binding upon and shall be observed by all persons whomsoever; and if any person shall pull down, deface, injure, or destroy any of such boards, or obliterate or deface any of the writing thereon, he shall for every such offence forfeit and pay any sum not exceeding the sum of  
15 *forty shillings*.

20. Provided always, that in all cases of prosecution for any offence or offences against any of the byelaws, rules, orders, and regulations of the said Board, the production of a book or document purporting to contain the byelaws, rules, orders, or regulations of the Board and  
20 authenticated by the seal of the Board as aforesaid shall be conclusive evidence of the existence of such byelaws, rules, orders, or regulations.

*Proof of  
byelaws.*

Arklow Harbour Im-  
provement.

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For the Improvement of the Harbour of  
Arklow, in the County of Wicklow.

(Prepared and brought in by  
*Mr. William Henry Smith and Sir Michael  
Ricker-Bosch*.)

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*Ordered, by The House of Commons, to be Printed,  
19 June 1876.*

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[Bill 159.]  
*Trinder 2. 2c.*